

## PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:00 p.m. on Monday, October 19, 2015 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson, Mike Bachand, Branden Bestgen, Rod Bradley, Tony Dargatz, David Hersrud, Adam Martin, and Ronald Waterland. Also present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: None

Motion by Bradley, second by Martin and carried with all members present voting yes to approve the agenda with the removal of the SMRi presentation.

Motion by Hersrud, second by Dargatz and carried with all members present voting yes to go into executive session for 3 legal cases, 3 personnel and 2 contracts at 6:00 pm.

Motion by Waterland, second by Bestgen and carried with all members present voting yes to return to regular session at 6:32 pm.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

### Announcements:

- Mayor Carstensen expressed condolences to the Jacobsen Family for their loss.
- On Sunday October 25<sup>th</sup> at the Community Center the Kiwanis will be having their annual Hobo stew feed.
- On Monday October 26<sup>th</sup> at the Community Center the Churches of Alliances will be having their annual chili feed fundraiser.
- The Family Fall Blast will be held at the end of the month.

### Informational Reports:

- A presentation and discussion was held on storm water issues on 1<sup>st</sup> Avenue. The City hired an outside engineering firm to complete a thorough review of the drainage basin and the various missing storm water utilities and undersized components on 1<sup>st</sup> Avenue. The analysis has been provided to each Council member. The analysis included four proposed projects which would mitigate some of the damage caused by the storm water runoff. There will be a special meeting held on November 9<sup>th</sup> at 6:00 pm at the Community Center for all property owners that will be impacted by this project.

### City Manager Ainslie reported:

- The budget numbers for the end of September 2015 are as follows: General Fund is at 76%; SST 92.5 %; Capital Imp 97.8%; BID 91.8%; Liquor 88%; Water 84%; Wastewater 82.7 %; Sanitation 84.7% and Ambulance 73.6%.
- Fire Dept – volunteer fire firefighter – Derek Swain – no wage.  
Ambulance Service – Tanner Walz-Critical Care Paramedic – status change to half-time;  
Paul Rossum – Paramedic – status change to half-time; Nellie Isaacs – EMT-I and billing/medical coder – status change to half-time.  
Police – Mark Alley – Sergeant – promotion to Class C - \$22.39  
Water – Brad Deutsch – Water Supervisor - \$24.23

Motion by Waterland, second by Bestgen and carried with, Bachand, Bestgen, Bradley, Carstensen, Dargatz, Hersrud, Martin, and Waterland voting yes and Anderson abstaining to approve the following items on the consent calendar:

- a. Consider approval of the minutes from the on October 5, 2015.

- b. Approve Resolution 2015-63 – a plat of Dolan Creek Estate Subdivision

**RESOLUTION 2015-63  
RESOLUTION APPROVING PLAT**

**WHEREAS**, the statutes of the State of South Dakota require that plats of property within the jurisdiction of the City of Sturgis be submitted to the governing body for approval before the same are recorded in the Office of the Register of Deeds; and

**WHEREAS**, the City of Sturgis Planning and Zoning have presented to the Common Council of the City of Sturgis a plat of the following described real property for Dolan Creek Estates Subdivision:

PLAT OF LOTS 1 THROUGH 17 OF BLOCK 1, LOTS 1 THROUGH 9 OF BLOCK 2,  
LOT DR AND LOTS 1 THROUGH 22 OF BLOCK 3, DOLAN CREEK ESTATES  
SUBDIVISION (formerly a portion of Tract B1 of Murray Addition No. 2) LOCATED  
IN THE SE 1/4 SECTION 8, T5N, R5E, BHM CITY OF STURGIS, MEADE  
COUNTY, SOUTH DAKOTA

**WHEREAS**, said plat meets the requirements of the statutes in all things, now therefore,

**BE IT RESOLVED** by the Common Council of the City of Sturgis, South Dakota, that the within and foregoing plat is hereby approved.

Dated this 19th day of October, 2015.

Published: 10-28-15

Effective: 11-18-15

- c. Approve Resolution 2015-64 – a plat of HC-1 and HC-2 of Lazy ‘S’ Subdivision – Richard Schieffer

**RESOLUTION 2015-64  
RESOLUTION APPROVING PLAT**

**WHEREAS**, the statutes of the State of South Dakota require that plats of property within the jurisdiction of the City of Sturgis be submitted to the governing body for approval before the same are recorded in the Office of the Register of Deeds; and

**WHEREAS**, the City of Sturgis Planning and Zoning have presented to the Common Council of the City of Sturgis a plat of the following described real property for Richard F. and Joyce A. Schieffer:

Plat of Lot HC-1 Revised and Lot HC-2 of Lazy ‘S’ Subdivision. Formerly Lot  
HC Revised and Lot HC-1 of Lazy ‘S’ Subdivision. All Located in the SW 1/4  
of the NW 1/4 of Section 4, Township 5 North, Range 5 East, Black Hills  
Meridian, Meade County, South Dakota.

**WHEREAS**, said plat meets the requirements of the statutes in all things, now therefore,

**BE IT RESOLVED** by the Common Council of the City of Sturgis, South Dakota, that the within and foregoing plat is hereby approved.

Dated this 19<sup>th</sup> day of October, 2015.

Published: 10-28-15

Effective: 11-18-15

Motion by Hersrud, second by Martin and carried with all members present voting yes to approve the following claims:

**Wages** – Ambulance \$25,432.71; Attorney \$3548.38; Auditorium \$167.95; Buildings \$1020.08; Cemetery \$1366.69; City Manager \$4747.13; Community Center \$9059.37; Finance Office \$8327.32; Fire Department \$575.26; Human Resource \$2744.76; Library \$8080.04; Liquor \$4922.85; Mayor and Council \$3450.94; Parks \$11,777.18; Planning & Permitting \$4511.01; Police \$34,702.83; Rally \$6482.27; Recreation \$3802.81; Sanitary Service \$14,601.71; Streets \$11,635.21; Wastewater \$7818.27; Water \$11,398.40; Federal Withholding \$16,643.16; FICA \$13,071.27.

**General** – A&B Business, \$327.10, sup; A&B Welding, \$9.92, sup; A&J Surplus, \$174.40, sup; Rachel Akins, \$322.50, refund; Amcon Distributing, \$193.67, resale; Apex Court Reporting, \$354.19, prof fee; BHP, \$17,834.71, utilities; Black Hills Rally & Gold, \$252.50, resale; Black Hills Urgent Care, \$211.10, prof fee; Buckle Tree, \$111.56, sup; Campbell Supply, \$898.07, sup; Caselle, \$1,479.00, prof fee; CBH, \$16,892.34, sup; Coca Cola, \$1,144.40, sup; Dakota Business Center, \$54.25, rep; Ecolab Pest, \$355.98, rep; ESRI, \$500.00, prof fee; Evolution Chair, \$150.27, sup; FEDEX, \$440.25, sup; Fire Pro, \$556.50, rep; First Interstate Mastercard, \$5,887.08, sup; First Interstate Insurance, \$80.00, ins; Freeman's Electric, \$906.65, sup; Harvey's Lock Shop, \$60.00, sup; KT Connections, \$3,538.78, prof fee; Lawson Products, \$215.00, sup; LPN Holdings, \$4,236.21, sup; Lynn's Dakotamart, \$278.13, sup; Autumn Lyons, \$500.00, ins; Marco, Inc., \$3.90, rep; Meade County Auditor, \$3,550.91, other; Midcontinent Communications, \$41.02, utilities; MDU, \$3,917.14, utilities; Motionsoft, \$450.00, prof fee; Newkirk's Ace Hardware, \$53.95, sup; O'Reilly Auto Parts, \$158.19, rep; Owens Interstate Sales, \$566.60, rep; Pete Lien & Sons, \$228.00, rep; Pizza Hut, \$110.00, sup; Print Mark-et, \$293.02, pub; Proteck Chemical, \$215.00, rep; Purchase Power, \$500.00, sup; Push-Pedal-Pull, \$112.50, rep; Rasmussen Mechanical Services, \$9,059.16, rep; Regional Health, \$177.00, prof fee; Robert Sharp & Associates, \$6,457.55, pub; Rushmore Office Supply, \$820.13, sup; Sacrison Asphalt, \$253.80, sup; SD Electrical Commission, \$40.00, prof fee; SD Federal Property Agency, \$2,500.00, rep; SD Municipal League, \$75.00, travel; SD Police Chiefs Assn, \$175.00, other; Servall, \$433.64, rep; Sheehan Mack Sales & Equipment, \$740.66, rep; Shooters Images, \$1,500.00, sup; Shopko, \$146.86, sup; Speedy Lube, \$69.29, sup; Sturgis Motorsports, \$358.91, rep; Sturgis NAPA, \$510.95, rep; Sturgis Phot & Frames, \$542.50, resale; Sturgis Tile Co, \$120.00, sup; Tom's T's, \$1,441.65, sup; Twilight First Aid, \$59.70, sup; Vanway Trophy & Award, \$52.95, other; Brenda Vasknetz, \$1,000.00, ins; VAST, \$615.12, utilities; Warne Chemical, \$400.00, sup; West River Electric, \$786.70, utilities; World Business Industries, \$443.89, resale.

**Special Sales Tax** – First Interstate Mastercard, \$120.81; Lynn's Dakotamart, \$347.59.

**Capital Improvement** – Hills Material, \$14,669.50; Rasmussen Mechanical Services, \$24,000.00; Sacrison Paving, \$33,245.10.

**Business Improvement District** – BHP, \$177.15, utilities; Campbell Supply, \$77.92, sup; CBH, \$140.98, sup; Duhamel Broadcasting, \$1,200.00, pub; First Interstate Mastercard, \$1,190.48, pub; KEVN, \$750.00, pub; Lynn's Dakotamart, \$4.69, sup; MDU, \$11.55, utilities; Robert Sharp & Associates, \$465.80, pub; The Homeslice Group, \$471.96, sup; Tom's T's, \$211.80, sup; Brenda Vasknetz, \$88.50, sup; VAST, \$308.65, utilities.

**Liquor** – Arctic Glacier, \$682.35, resale; BH Urgent Care, \$30.00, prof fee; Cask & Cork, \$234.00, resale; Coca Cola, (\$11.00), resale; Eagle Sales, \$3,279.20, resale; Ecolab Pest, \$107.00, rep; Tom Ferguson, \$184.50, resale; First Interstate Mastercard, \$1,335.90, travel; Fisher Beverage, \$3,581.55, resale; Johnson Western Wholesale, \$67.47, resale; KT Connections, \$67.93, prof fee; MDU, \$11.55, utilities; North Country Business Product, \$990.25, prof fee; Owens Interstate Sales, \$314.98, rep; Pepsi, \$276.55, resale; Regional Health, \$25.00, prof fee; Republic Beverage, \$219.91, resale; Rushmore Office Supply, \$777.54, sup; Schade Vineyard, \$396.00, resale; Servall, \$155.35, sup; Sturgis NAPA, \$302.14, rep; The Homeslice Group, \$6,251.00, pub.

**Water** – BHP, \$13,929.33, utilities; BH Urgent Care, \$13.02, prof fee; Buckle Tree, \$31.72, sup; First Interstate Mastercard, \$225.07, sup; MDU, \$103.36, utilities; Regional Health, \$76.00, prof fee; Sturgis NAPA, \$19.99, rep; VAST, \$31.36, utilities.

**Wastewater** – Buckletree, \$56.18, sup; Campbell Supply, \$46.46, sup; CBH, \$298.50, other; City of Belle Fourche, \$56.20, other; Hills Materials, \$139.36, sup; Jenner Equipment, \$239.18, rep; KT Connections, \$67.93, prof fee; Mid-American Research Chemical, \$1,782.00, rep; Sturgis Motorsports, \$24.99, rep; Sturgis NAPA, \$142.77, sup.

**Sanitation** – A&J Surplus, \$123.36, rep; BHP, \$245.57, utilities; BH Urgent Care, \$56.04, prof fee; Buckle Tree, \$18.72, sup; Campbell Supply, \$30.63, sup; Century Business Leasing, \$193.58, prof fee; Century Business Products, \$66.92, prof fee; City of Belle Fourche, \$19,363.90, other; Eddies Truck Sales, \$53.12, rep; First Interstate Mastercard, \$620.48, travel; KT Connections, \$67.93, prof fee; Owens Interstate, \$120.79, sup; Regional Health, \$127.00, prof fee; Rushmore Office Supply, \$183.00, sup; Stern Oil, \$2,751.12, sup; Sturgis NAPA, \$200.59, rep; Tom's T's, \$333.80, sup.

**Ambulance** – BHP, \$635.42, utilities; BH Urgent Care, \$30.00, prof fee; CBH, \$2,396.90, sup; Coca Cola, (\$15.80), sup; Fire Pro, \$30.00, rep; First Interstate Bank Mastercard, \$721.76, sup; KT Connections, \$67.93, prof fee; Kreisers, \$169.28, sup; Lynn's Dakotamart, \$89.32, sup; MDU, \$28.82, utilities; Rushmore Office Supply, \$185.96, sup; Shopko, \$40.82, sup; Sturgis NAPA, \$102.00, sup.

Motion by Waterland, second by Bestgen and carried with Anderson, Bestgen, Bradley, Carstensen, Dargatz, Hersrud, Martin, and Waterland voting yes and Bachand voting no to approve a 8' front setback zoning variance for Mike & Sheila Forsythe at 2550 Belair Drive for a roof over their deck.

Motion by Martin, second by Bachand and carried with all members present voting yes to approve second reading of Ordinance 2015-11 – Title 32 – Animals.

## **ORDINANCE 2015-11**

### **AN ORDINANCE AMENDING TITLE 32–ANIMALS**

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 32 - Animals –Chapter 32.01 – General Provisions; Section 32.01.03 – Penalty be amended to read as follows:

#### **32.01.03: PENALTY**

Any violation of the provisions of this Title is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any costs and/or restitution authorized by this Title and/or state law. In addition, an Animal Control Officer as defined in this Title, and a Code Enforcement officer as defined in Title 36, are authorized to issue an administrative citation for any violation of this Title. The administrative penalty shall be \$100 for a first violation, \$200 for a second

violation within twelve months, and \$300 for a third violation within eighteen months. An appeal of any administrative citation issued under this Title shall follow the procedure for an administrative citation appeal as set forth in Chapter 36.04 of Title 36 of Sturgis City Ordinances. Dated this 19<sup>th</sup> day of October, 2015.

First reading: 10-05-2015  
Second reading: 10-19-2015  
Adopted: 10-19-2015  
Published: 10-28-2015  
Effective: 11-18-2015

Motion by Bachand, second by Hersrud and carried with all members present voting yes to approve second reading of Ordinance 2015-12 – Title 9 – Fire Prevention & Regulations.

## **ORDINANCE 2015-12**

### **AN ORDINANCE AMENDING TITLE 9–FIRE PREVENTION AND REGULATIONS**

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 9 – Fire Prevention and Regulation –Chapter 9.04 – General Fire Provisions; Section 9.04.02 – Parking near station or hydrant be amended to read as follows:

#### **9.04.02: PARKING NEAR STATION OR HYDRANT**

As provided for at Section 16.05.07 (G) of Sturgis City Ordinances, no person shall park on any street or public ground within fifteen (15) feet of a fire hydrant.

No person shall place any vehicle or object within fifteen (15) feet of an entrance to a place where fire apparatus are stored.

As per Section 507.5.5 of the International Fire Code entitled “Clear space around hydrants” required five (5) feet of clear space around the circumference of the hydrant. No person shall place on public or private ground any posts, fences, structures, vehicles, growth, trash, storage or any obstruction within five (5) foot circumference of any fire hydrant, fire department connections or fire system controls. The fire department shall not be deterred or hindered in any way from gaining immediate access to fire-protection equipment private or public.

Dated this 19<sup>th</sup> day of October, 2015.

First reading: 10-05-2015  
Second reading: 10-19-2015  
Adopted: 10-19-2015  
Published: 10-28-2015  
Effective: 11-18-2015

Motion by Hersrud, second by Anderson and carried with all members present voting yes to approve first reading of Ordinance 2015-13 – Title 3 – Licensing & Regulation of Alcohol, Malt Beverage and Drinking Establishments-authorizing more than one off-sale municipal facility in city limits.

Motion by Bachand, second by Anderson and carried with all members present voting yes to approve first reading of Ordinance 2015-14 – Title 13 – Offenses and Regulations – archery hunting on BLM land.

Motion by Martin, second by Waterland and carried with all members present voting yes to approve first reading of Ordinance 2015-15-Title 11 – Health and Sanitation – how we handle utility rate changes.

A power point presentation was given by Kevin Forrester on the Sturgis City Dams. Discussion was held with the following individuals stating their views on allowing the public to access the City Dams. Bob Gram, Eric Johnson, Jack Hoel, Kathy Christensen (representing the Chamber), John Price, Luke (Tony) Ortiz, Dallas Hildabridle, Councilor Waterland, Bachand, Bradley and Bestgen, Sam Greer, Loren Larson and Dr. Tom Herman. The audio of this discussion will be posted on the City's website.

Motion by Bestgen, second by Hersrud with all members voting yes to direct the Park Board to move forward to implement their recommendation of developing trails, opening the Watershed to primitive camping, hiking, biking, fishing, equestrian use, etc. as soon as possible and explore partnering options with government agencies with the condition of no motorized travel.

Motion by Hersrud, second by Dargatz with all members voting yes to approve the only bid received for the Sturgis Lighting Retrofit Project for the Community Center (\$139,623.91) and Auditorium (\$13,802.47) from GenPro Energy Solutions and authorize the City Manager to sign all paperwork for this project.

Motion by Waterland, second by Bestgen and carried with all members voting yes to authorize the Mayor to sign all documents, contracts and agreements for project number P766805, the Main Street Reconstruction Project. This is to include but is not limited to Utility certifications, Right-of-Way certificates, letting authorization and amended agreement 715490 – finance authorization.

Any other business:

Dr. Tom Herman asked that the City to send a condolence card to the family of Don Semancik who was the architect for the Community Center when it was built.

Motion by Martin, second by Dargatz and carried with all members present voting yes to go into executive session for legal, personnel and contracts at 8:58 pm.

Motion by Waterland, second by Bestgen and carried with all members present voting yes to return to regular session at 10:05 pm.

Motion by Bestgen, seconded by Bradley and carried with all members present voting yes to adjourn at 10:06 pm.

ATTEST: \_\_\_\_\_  
Fay Bueno, Finance Officer

APPROVED \_\_\_\_\_  
Mark Carstensen, Mayor

Published once at the total approximate cost of \$